

1 Ronald J. Ellett, No. 012697  
2 ELLETT LAW OFFICES, P.C.  
3 2345 East Thomas Road, Suite 410  
Phoenix, Arizona 85016  
(602) 235-9510  
4 Attorney for Debtor

5 UNITED STATES BANKRUPTCY COURT

6 DISTRICT OF ARIZONA

7 In re: ) CASE NO. B01-06221-ECF-SSC  
8 JOHNSTON, LOGAN T., III ) ) ADV. \_\_\_\_\_  
9 ) ) COMPLAINT FOR WILLFUL STAY  
10 Debtor. ) ) VIOLATION AND REQUEST FOR RULING  
11 ) ) THAT STATE COURT ORDER VIOLATES  
LOGAN T. JOHNSTON, III ) ) AUTOMATIC STAY  
12 Plaintiff, )  
13 v. )  
14 PAULA PARKER (debtor's ) )  
ex-wife), )  
15 MELVIN STERNBERG, (attorney to )  
Paula Parker), KAREN L. )  
16 O'CONNOR, State Court Judge )  
17 )

18 Plaintiff as and for his complaint states as follows.

19 1. Plaintiff is the Debtor in the above captioned case.

20 2. The Petition was filed on May 14, 2001.

21 3. Paula Parker is Plaintiff's ex-wife

22 4. Melvin Sternberg is Paula Parker's State Court  
23 attorney.

24 5. Judge O'Conner is the State Court Judge who entered the  
25 attached post-petition order.

26 6. This is a core proceeding.

27 7. The Defendants attended a hearing on May 17, 2001, where  
28 they were informed of Mr. Johnston's bankruptcy. In violation of the

1 stay, they conducted and participated in a hearing that resulted in  
2 the attached order.

3 8. The attached order is a stay violation and therefore void.

4 9. A Notice of Bankruptcy was sent to the State Court and  
5 to Melvin Sternberg as Paula Parker's attorney.

6 10. Written request was made of Melvin Sternberg and Judge  
7 O'Conner to cure the stay violation.

8 11. The Defendants have refused to cure the stay violation.

9 12. As a result of the stay violation, and the Defendants  
10 failure to cure, Mr. Johnston has suffered damages  
11 including attorney's fees necessary to bring this  
12 complaint and the motions related to the complaint.

13 Wherefore pursuant to 11 U.S.C. § 362, the Plaintiff requests his  
14 damages, his attorney's fees, his costs and such other relief as the  
15 Court deems just from Defendant Parker and Defendant Sternberg. The  
16 Plaintiff also requests a ruling that the attached State Court Order  
17 entered by Defendant O'Connor is a violation of the stay and is  
18 therefore void. Plaintiff is not requesting any monetary relief from  
19 Judge O'Connor.

20 Respectfully submitted this \_\_\_\_ day of July, 2001.

21 ELLETT LAW OFFICES, P.C.

22

23 By \_\_\_\_\_  
24 Ronald J. Ellett  
25 2345 E. Thomas Road  
Suite 410  
Phoenix, Arizona 85016

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

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**KEVIN E. O'BRIEN  
CLERK OF COURT**